

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Aug 03, 2021**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Charles Leo Costner

Case Number: 0980 2:20CR00157-TOR-1

Address of Offender:

Spokane, Washington 99207

Name of Sentencing Judicial Officer: The Honorable B. Lynn Winmill, U.S. District Judge

Name of Supervising Judicial Officer: The Honorable Thomas O. Rice, U.S. District Judge

Date of Original Sentence: January 25, 2008

Original Offense: Unlawful Possession of a Firearm, 18 U.S.C. § 922(g)(1)

Original Sentence: Prison - 120 months;
TSR - 36 months

Type of Supervision: Supervised Release

Revocation Sentence: Prison - 8 months;
(August 8, 2019) TSR - 28 months

Asst. U.S. Attorney: Michael James Austen Ellis Date Supervision Commenced: January 8, 2020

Defense Attorney: Lorinda Meier Youngcourt Date Supervision Expires: May 7, 2022

PETITIONING THE COURT

To **issue a WARRANT** and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 4/28/2021, and 5/6/2021.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

6

Mandatory Condition #3: You shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on supervision and to a maximum of 5 periodic drug tests a month thereafter for the term of supervision as directed by the probation officer. The cost to be paid by both the defendant and the government based upon the defendant's ability to pay.

Supporting Evidence: Mr. Costner allegedly violated mandatory condition number 3 by supplying a urine sample that tested positive for methamphetamine on July 22, 2021.

On January 9, 2020, Mr. Costner was given a copy of his judgment and his conditions of supervision were explained to him. He indicated he fully understood his conditions and the expectations of supervision.

On July 22, 2021, U.S. Probation Officer Schull obtained a urine sample from Mr. Costner at his listed residence. The urine sample obtained tested presumptive positive for

Prob12C

Re: Costner, Charles Leo

August 3, 2021

Page 2

methamphetamine. Mr. Costner denied new methamphetamine use and his sample was sent to Alere Toxicology Laboratories (Alere) for further analysis. On August 3, 2021, the test results returned as positive for methamphetamine.

7

Standard Condition #4: You must answer truthfully the questions asked by your probation officer.

Supporting Evidence: Mr. Costner allegedly violated standard condition 4 by not answering truthfully to questions asked by U.S. Probation Officer Schull.

On January 9, 2020, Mr. Costner was given a copy of his judgment and his conditions of supervision were explained to him. He indicated he fully understood his conditions and the expectations of supervision.

On July 22, 2021, U.S. Probation Officer Schull questioned Mr. Costner about his urine sample which tested presumptive positive for methamphetamine, specifically, if there had been any new use of controlled substance. Mr. Costner adamantly denied any use of methamphetamine, signed a denial form and requested the sample be sent to Alere for further analysis. On August 3, 2021, the test results returned as positive for methamphetamine.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court **issue a WARRANT**.

I declare under penalty of perjury that the foregoing is true and correct.


Executed on: August 3, 2021

s/Mark E. Hedge

Mark E. Hedge
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Thomas O. Rice
United States District Judge

August 3, 2021

Date